

MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT37-4. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements**1. AUTHORITY.**

- a. To represent the U.S. Environmental Protection Agency in administrative enforcement actions for civil penalties and injunctive relief conducted under the Mercury-Containing and Rechargeable Battery Management Act.
- b. To negotiate consent agreements between the agency and respondents resulting from such enforcement actions; and initiate an appeal from an administrative determination, and to represent the agency in such appeals.
- c. To sign consent agreements between the agency and respondents resulting from such enforcement actions.

2. TO WHOM DELEGATED.

- a. Authorities 1.a. and 1.b. are delegated to the regional counsel.
- b. Authority 1.c is delegated to the director, Enforcement and Compliance Assurance Division.

3. LIMITATIONS.

- a. This authority may only be exercised after the alleged violator either files an answer or fails to file an answer within the specified time period.
- b. Any official exercising this authority:
 1. may do so only for those cases initiated by Region 8;
 2. must obtain the concurrence of the ECAD director or designee and the assistant administrator for Enforcement and Compliance Assurance prior to making determinations concerning whether to appeal administrative determinations to the Environmental Appeals Board and prior to filing appeals; and
 3. shall obtain the concurrence of the RC or designee prior to signing consent agreements.

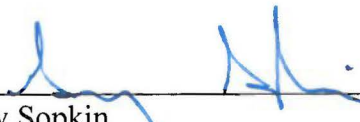
4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the branch chief level and no further.
- b. Any official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

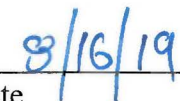
MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT

37-4. Administrative Enforcement: Agency Representation in Hearings and Signing of
Consent Agreements

5. **ADDITIONAL REFERENCES.** The Mercury-Containing and Rechargeable Battery Management Act, section 5.



Gregory Sopkin
Regional Administrator



Date